

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR WARRICK COUNTY)

Case No. 87S00-1406-MS- **439**

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Warrick Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Warrick Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR87-AR-7 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR87-AR-7 for Warrick Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective July 3, 2014. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Robert R. Aylsworth, Warrick Superior Court, One County Square, #380, Boonville, IN 47601-1862; the Hon. David O. Kelley, Warrick Circuit Court, One County Square, #360, Boonville, IN 47601-1594; the Hon. Keith A. Meier, Warrick Superior Court, One County Square, #300A, Boonville, IN 47601; to the Clerk of the Warrick Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Warrick Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on June 27, 2014.


Brent E. Dickson
Chief Justice of Indiana

LR87-AR-7

**COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES
JOINT LOCAL RULE**

Pursuant to the Indiana Supreme Court's order for development of local caseload plans, the judges of the Warrick County Courts hereby adopt, subject to the approval of the Indiana Supreme Court, this joint local rule entitled Warrick County Plan for Allocation of Judicial Resources.

This joint rule has been adopted by the Warrick County Courts after reviewing and considering the weighted caseload results as determined by the Indiana Division of State Court Administration, local custom and practice in Warrick County, the preference of the local bar to maintain the current discretionary filing system, and other relevant factors.

1. The disparity between caseloads in the three courts of general jurisdiction in Warrick County indicates to the three local judges that substantial changes need to be made in the current civil filing system that permits discretionary filing of civil proceedings in any of the three courts having general jurisdiction in Warrick County.

2. The local judges believe that either a mandatory filing system for certain cases in one of the three courts, or a random filing system, such as a random draw or assignment system to be maintained by the clerk of the courts, would result in significant increases in motions requesting the appointment of a special judge, with resulting administrative burdens, delays and expenses should out of county special judges be selected to serve in these cases.

3. Although the Judges have reviewed the weighted caseload statistics from the previous years and have determined that disparity in caseloads exists between the three courts at this time, the present discretionary filing system should be maintained in Warrick County, subject to the following:

A. All JC, JT, JP, PO, RS, ES, EU, CC and GU cases and any other type of civil case (other than SC) filed by an attorney-at-law shall be assigned by the Clerk to the three Warrick County Courts in seriatim order, in the order of Circuit, Superior 1 and Superior 2, unless a specific court is requested by the filing party or the case is otherwise required to be filed in a specific court by statute. In the event multiple cases are being filed simultaneously which involve substantially the same parties or factual circumstances, those cases shall be filed in one court.

B. All civil cases (other than SC) filed by an unrepresented litigant shall be assigned by the Clerk to the three Warrick County Courts in seriatim order, in the order of Circuit, Superior 1 and Superior 2, unless a specific court is requested by the filing party or the case is otherwise required to be filed in a specific court by statute. In the event multiple cases are being filed simultaneously which involve substantially the same parties or factual circumstances, those cases shall be filed in one court.

4. On or before May 1 of each year, the judges in Warrick County shall review the weighted caseload statistics from the prior year as calculated by the Indiana Division of State Court Administration. Should, upon this review, the presiding judges of the Warrick County Courts determine that a disparity in caseloads between the courts then exists that requires a change in the current discretionary filing system for civil cases, the local judges shall agree upon a reasonable plan to address the disparity in caseload and, if no such agreement between the judges is possible, each of the judges may propose and submit a plan to the Indiana Supreme Court to reduce the caseload disparity at that time. Any such plan submitted by any presiding judge in Warrick County shall be served upon all other judges in Warrick County at the time it is sent to the Indiana Supreme Court, so the remaining judges will know the proposal made by the submitting judge.

5. Should the Indiana Supreme Court direct the Warrick County judges to address a disparity in caseloads between the Warrick County Courts, the local judges shall meet with one another to formulate a plan to reduce this disparity and, once again, if the judges are unable to agree to such a plan, each of the judges may submit his plan or proposal to the Indiana Supreme Court, and once again serve upon the other presiding judges a copy of the plan or proposal when the same is mailed to the Supreme Court for its review.

6. As part of the Warrick County Plan for Allocation of Judicial Resources, the judges, the magistrate and senior judges in the Warrick County Courts shall be reasonably available for the assignment of cases in District 26 consistent with the comparative utilization levels for the courts within the district as provided in the Administrative District 26 Plan for Allocation of Judicial Resources, when such plan is adopted.

7. This Plan for Allocation of Judicial Resources in Warrick County, Indiana, and this joint local rule shall become effective upon approval of the same by the Indiana Supreme Court.